

Please enter the following new claims for consideration by the Examiner:

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---13. The endoscopic spraying instrument according to claim 1, wherein said ejection hole is a spray nozzle.

14. The endoscopic spraying instrument according to claim 1, wherein said ejection hole is configured to spray a liquid therethrough.

15. The cap member according to claim 6, wherein said ejection hole is a spray nozzle.

16. The endoscopic spraying instrument according to claim 6, wherein said ejection hole is configured to spray a liquid therethrough.---

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REMARKS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicant's Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action. Upon entry of the present response, claims 2-3 will have been amended, claims 13-16 will have been added, and claims 1-16 will be pending in the present application. Applicants note that claims 2-3 have each been amended to correct a minor typographical error therein.

The Examiner has rejected all pending claims (*i.e.*, claims 1-12) under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,269,684 to FISCHER, finding that this reference teaches all limitations of these claims.

Applicants respectfully traverse the Examiner's rejection. Applicants submit that

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FISCHER, as well as the other references of record, are markedly different from the present claimed invention. First, we note that FISCHER does not disclose an *endoscopic spraying* instrument or device as claimed in independent claims 1 and 6, but is rather directed to a syringe-like apparatus (*i.e.*, not an endoscope) for applying viscous coatings (*i.e.*, non-spraying) to a surface via bristles. With respect to claim 1, FISCHER, as well as the other references of record, fail to teach or disclose, *inter alia*, an annular protruded wall spaced outwardly from the outer periphery of the ejection hole, the annular protruded wall protruding forwardly and surrounding an exit of the ejection hole, as claimed in claim 1. With respect to claim 6, FISCHER, as well as the other references of record, fail to teach or disclose, *inter alia*, a leading end wall having a first wall surface extending radially outwardly from the outer surface of the ejection hole, and also having a second wall surface extending longitudinally outwardly the outer surface of the ejection hole, as claimed in claim 6. FISCHER does not discuss the particular construction of the ejection hole (passageway 42), but to the extent shown in the figures, FISCHER merely shows a hole through which bristles 40 are adjustably inserted. There is no disclosure at all of any kind of protruded wall (claim 1) or a wall surface that extends longitudinally from another wall surface (claim 2). It is therefore respectfully submitted that FISCHER, as well as the other references of record, fails to teach or disclose the invention of independent claims 1 and 6, as well as the claims dependent therefrom.

With respect to the Examiner's rejection of dependent claims 2-5 and 7-12, since these claims are dependent from either allowable independent claim 1 or 6, which are allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these

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reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1 and 6, and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(e).

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 102, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

#### SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

The amendments to the claims which have been made in this amendment have not been made for a purpose related to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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July 8, 2002  
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**MARKED-UP COPY OF AMENDED CLAIMS 2-3**

2. (Amended- Marked-Up Copy) The instrument of claim 1, wherein [an] a wall surface extending between the outer periphery of the ejection hole and the annular, protruded wall is defined by a tapered surface or a curved, concave surface.

3. (Amended- Marked-Up Copy) The instrument of claim 1, wherein [an] a wall surface extending between the outer periphery of the ejection hole and the annular, protruded wall is defined by a planar surface perpendicular to an axis of the ejection hole.